

MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1967.

(Introduction)

Sri K. PUTTASWAMY (Minister for Health and Housing).—I beg to introduce :

“The Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Bill 1967, which has been published in the Mysore Gazette under rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.”

Mr. SPEAKER.—The Bill is introduced. Now the House will rise for half an hour and reassemble at 3-40 P.M.

[The House rose at Ten Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.]

[**MR. SPEAKER** in the Chair]

BUSINESS OF THE HOUSE

Sri AZEEZ SAIT.—Just now the Bill was introduced by the Hon'ble Minister for Health and it is going to be taken for discussion according to the programme. But most of our Hon'ble members came to know that Mahajan Commission's report would be taken up. For what reasons the Business Advisory Committee decided to take up this and what is the other business it has decided to take up? I only want to represent on behalf of the Hon'ble members that the Bill has been introduced in this House and it has not been circulated to the members well in advance and it is difficult for the members to participate in the discussion. Therefore this Bill may be taken up tomorrow and if there is any other business before the House to-day, it may be taken up. At least three days time should be given before discussion on this Bill. It would only be a half-hearted discussion, if the Bill is to be discussed to-day only. Therefore there will be no proper discussion on this because the members are not ready.

Sri S. SIVAPPA.—The Bill is just introduced, and it has not been circulated well in advance. It will not be proper to take it up to-day if there is no co-ordination among the members. Of course, the Business

Advisory Committee has decided to take up two or three Bills to-day because the Mahajan Commission Report should be discussed tomorrow. But the position is that the Hon'ble members are not ready. Therefore it is not proper to take it up to-day.

Sri AZEEZ SAIT.—The Business Advisory Committee has decided to take it up. But the point is the members have not come prepared. This may be postponed to some other date. There will not be a full dressed discussion even if it is taken up. Therefore I appeal to the Chair to take it up at a later stage.

ಶ್ರೀ ಬಿ. ಆರ್. ಶಾಮಣ್ಣ (ಕೋಟೆ, ಬೆಂಗಳೂರು).—ಸ್ವಾಮಿ, ಕೆಲವು ಮುಖ್ಯವಾದ ಬಿಲ್ ಗಳು ಬಂದಾಗ ನಡವಳಿಕೆಗಳು ಆಗುತ್ತಿವೆ. ಅವುಗಳನ್ನು ತಿಳಿದುಕೊಂಡು ಮಾತನಾಡುವುದಕ್ಕೆ ಸಾಕಷ್ಟು ಕಾರಾವಕಾಶವಿರಬೇಕು. ಆ ರೀತಿ ಸಾಕಷ್ಟು ಅವಕಾಶ ಕೊಡದೆ ತಿದ್ದುಪಡಿಗಳನ್ನು ಪಾಸ್ ಮಾಡಿಬಿಟ್ಟರೆ ನ್ಯಾಯವಾಗುತ್ತದೆಯೇ ಎಂಬುದನ್ನು ತಾವು ನೋಡಬೇಕು. ಬಿಸಿನೆಸ್ ಅಡ್ವೈಸರಿ ಕಮಿಟಿಯಲ್ಲಿ ಈ ಬಗ್ಗೆ ತೀರ್ಮಾನವಾಗಿದೆಯೆಂದು ತಾವು ಹೇಳಿ, ಒಂದು ರೀತಿಯಲ್ಲಿ ಅನುಕೂಲ ಮಾಡಿಕೊಡುವುದಕ್ಕೆ ಹೋಗಿ ಮತ್ತೊಂದು ರೀತಿಯಿಂದ ತೊಂದರೆ ಮಾಡುವುದಕ್ಕೆ ಹೋದರೆ ಸರಿಯೇ ಎಂಬುದನ್ನು ತಾವು ವಿಚಾರ ಮಾಡಬೇಕು.

Sri S. S. SHETTAR (Hubli).—I raise a point of order under Article 3 of the Constitution. I wanted to know whether it is a more discussion of the report or whether it is a question of moving the motion by the Chief Minister because in the Agenda a motion has been mentioned. I tried to draw your pointed attention to the fact that it is not a report which has not been called by this Legislature and it is neither a report called by the Parliament. It is a report that has been submitted by a One Man Commission which was appointed by the Government of India. Article 3 says that any territory that is reduced will be added to the other State. It further says :

“Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State.....”

Here no such thing has cropped up. It is a report submitted by One Man Commission. I want to raise a question whether the Chief Minister has got any right to negotiate our territory with the neighbouring State. I want to know how he could introduce this in the form of a motion to discuss. The question of moving a motion does not arise at all because tomorrow a Bill will have to be moved in Parliament and thereby our territory is going to be affected. Asking for an opinion is a premature one at this stage. At this juncture, the Chief Minister cannot move the motion, but he can gather a broad opinion of the members of this House. The report is not called by the Legislature or even by the Parliament.

Sri H. SIDDAVEERAPPA.—I want to know whether it is proper to introduce this and if it is in order what would be the position.

Sri S. R. KANTHI (Minister for Law).—As some of the members of the Assembly wanted to discuss the Commission's report, the Government took a decision that the report should be placed for discussion by the Members of the Legislature. After all the motion is not a substantial motion. It is a motion just to consider the report. Unless there is a substantial motion, there will be no resolution passed. There is nothing wrong in considering the report since both the Legislative Council and the Assembly of Maharashtra have considered this report. In view of these reasons it has been introduced. The Government should know the views of the Hon'ble members and that is why it has been placed before the Hon'ble members.

Sri H. SIDDAVEERAPPA.—It cannot be taken up merely on these grounds. This report need not be discussed in connection with a ruling on a point of order like this. It would be rather ridiculous. If that is done what the country will think of and what the people will think of? There are people in the State who really believe that no useful purpose could be served in view of so many things. Now the session has been specifically called for the purpose of considering a motion of this nature. In what form it should come and how it should come, that we will discuss and analyse when the motion is regularly moved by the Leader of the House as tabled. That would be the appropriate time when we should consider this. This is not a matter which can be disposed of on a point of order.

Mr. SPEAKER.—The Hon'ble Member Sri S. S. Shettar says that this is a point of order. He mentions that there is no report submitted to this House and further that the Commission was not appointed by this House. He says that there is no Bill before the House.

Sri H. SIDDAVEERAPPA.—There is a precedent when the States Reorganisation Commission report was published in what manner that report was discussed in this House. I can just bring it to your notice.

Mr. SPEAKER.—I am just stating the case as he puts it. He also said that under article 3 of the Constitution, the matter is to arise out of a Bill, if ever such a Bill is brought for the purpose of altering the existing boundaries of a State. The motion that is mentioned in the Agenda is premature or he goes a step further and says that it is not possible to be entertained at all. He alleges that the Chief Minister is not competent to move such a motion nor can the House allow such a motion to be moved and the debate cannot take place on such a motion. I have had the benefit of the suggestions from some of the Members who participated in that discussion. Hon'ble Member Sri Siddaveerappa says that it is premature to entertain this point of order. He further says that if at all, it arises when a motion is sought to be made. This is not getting into the core of the problem, but only saying that it is a little premature and does not deal with the merits of the question.

Later on he said that there is a precedent when the States reorganisation Report was discussed in the Mysore Assembly and perhaps in other Assemblies also. The Hon'ble Minister for Parliamentary Affairs points out that the motion was put down because there was a request or desire on the part of several Members of the House that this matter should be discussed and that at an early time. The Hon'ble Minister further proceeds to say that the session was convened primarily also for that purpose and therefore that requests having been entertained and the Assembly having been called, it would be right to consider it. He feels that there is nothing objectionable in considering the report.

The matter is a very important one and is one of far-reaching consequences. The events governing or relating or influencing the considerations covered by the report or its impact upon the State or its territories can never be minimised. If ever the idea is that it has to be tackled, the House has to see whether it should be delayed further. In other words, whether the House should wait till the Bill is moved or referred to the House for its consideration. It is also pointed out that it has been considered in a sister legislature, in another State and thereby implying that if there was anything wrong in considering the report, these considerations would and should have prevailed in that Legislature also because the principles governing the same are equally applicable to that Legislature as much as to this Legislature. From this, it is clear that it is a very important matter and perhaps the delay is not desirable. From this, it does not follow that the point of order has not to be dealt with on merits. The only article that was referred to was article 3. Article 3 of the Constitution never suggests any bar for consideration of any matter by this House. It can never be suggested that the matter does not concern the interests of this House, interests of the State or the interests perhaps of some of the constituencies which the members are representing. Therefore, so far as the competence of the House to consider it is concerned, I do not think I can hold that it is beyond the competence of the Legislature. Yet, the question remains in what form and at what time the matter should be discussed or if it is to be in the shape of a Bill; I am more than doubtful whether the Bill can be framed and brought for discussion by this House. The Bill, if at all, has to originate in the Parliament. The right to change the boundaries of an existing State is within the competence of the Parliament. Therefore that Bill is not before the House and we are not dealing with the Bill that might ever be brought in the future. In spite of all this and in view of the circumstances that are transpiring outside and the discussions that are taking place either within the State or elsewhere, it looks as if that the State of Mysore has to express itself and that so, if the Members desire it without any further delay. The events that are said to have taken place yesterday where the matter was discussed in a brief manner by the Parliament, is one of the approaches that has been indicated. I feel that is a grave matter. The circumstances do not permit the exclusion of a debate. If there is anything else that is going to be mentioned by way of support

(MR. SPEAKER)

on merits which will enable me to exclude or compel me to exclude a debate in the House, I will have to consider it.

4-00 P.M.

After the programmes is issued, it is beyond my competence to change it. I am entertaining a request to oblige the members, particularly in view of what has happened in the Parliament yesterday. So far as the adjournment is concerned, the last word rests with the House. If it is the desire of the House to take it up day after tomorrow, I will certainly not stand in the way. It would be more appropriate that we discuss it outside rather than on the floor of the House in the manner in which we are doing. This is a grave matter which can be talked about among the members and the result of the talk communicated to me. So, I will adjourn it now and take it up day after tomorrow.

So far as the Bill is concerned, it is one which seeks to extend the period by six months. I will allow a full debate if members want it. If the members are not desirous of taking up the Bill today, I will adjourn the House.

ಶ್ರೀ ಅಜೀಜ್ ಸೇಠ್.—ಈ ಮನೂವೆಯ ವಿಚಾರದಲ್ಲಿ ಬೇಕಾದಷ್ಟು ವಿಷಯಗಳನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳ ಗಮನಕ್ಕೆ ತಮ್ಮ ಮೂಲಕ ತರಬೇಕಾಗಿದೆ. ಇದು ಖಾಯಂ ಆಗಿ ಕಾನೂನು ಕಡತಕ್ಕೆ ಏರತಕ್ಕ ಅದ್ವೈತವಾಗಿದೆ. ಆರು ತಿಂಗಳ ಕಾಲ ಅವಧಿಯನ್ನು ಹೆಚ್ಚು ಮಾಡುವುದಕ್ಕೆ ಕಾರಣವೇನು, ಇದು ಏಕೆ ಬಂತು. ಆರೋಗ್ಯ ಇಲಾಖೆಯವರು ಏನು ಮಾಡುತ್ತಿದ್ದರು, ರಿಜಿಸ್ಟ್ರೇಷನ್‌ಗೆ ಏಕೆ ಸವಲತ್ತು ಮಾಡಿ ಕೊಡಲಿಲ್ಲ ಎನ್ನುವ ವಿಚಾರಗಳೆಲ್ಲ ಬರುತ್ತವೆ, ಪೆಟ್ಟಿಗೆ ತೆರೆದರೆ ಅದರಲ್ಲಿ ಹಾವು, ಅದೂ ಇದೂ ಏನೇನೋ ಬರುತ್ತದೆ. ತಾವು ಹೇಳುವಷ್ಟು ಸುಲಭವಾಗಿಲ್ಲ ಸ್ವಾಮಿ.

Sri S.R. KANTHI.—As you have just now said, it is a simple Bill seeking to extend the period by six months and it can be taken up now.

MYSORE AYURVEDIC AND UNANI PRACTITIONERS REGISTRATION AND MEDICAL PRACTITIONERS MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1967.

(Motion to Consider)

Sri K. PUTTASWAMY (Minister for Health).—Sir, I beg to move that the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners Miscellaneous Provisions (Amendment) Bill, 1967 be taken into consideration."

MR. SPEAKER.—Motion moved :

"That the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners Miscellaneous Provisions (Amendment) Bill, 1967 be taken into consideration."